



Council of the
European Union

Brussels, 15 April 2024
(OR. en)

7560/24

Interinstitutional File:
2024/0070(NLE)

LIMITE

CORLX 265
CFSP/PESC 369
RELEX 362
COAFR 98
CONUN 51
FIN 258

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION amending Regulation (EU) 2017/1770
concerning restrictive measures in view of the situation in Mali

COUNCIL REGULATION (EU) 2024/...

of ...

**amending Regulation (EU) 2017/1770
concerning restrictive measures in view of the situation in Mali**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2024/... of ... amending Decision (CFSP) 2017/1775 concerning restrictive measures in view of the situation in Mali¹⁺,

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

¹ OJ L, ..., ELI: ...

⁺ OJ: please insert the reference number and the date of adoption for the Decision set out in ST 7558/24 and complete the corresponding footnote.

Whereas:

- (1) On 5 September 2017, the United Nations Security Council adopted Resolution 2374 (2017), which established a framework for the imposition of a travel ban and an asset freeze against individuals and entities responsible for or complicit in, or having engaged in, directly or indirectly, threatening the peace, security, or stability of Mali.
- (2) On 28 September 2017, the Council adopted Regulation (EU) 2017/1770² to give effect to Decision (CFSP) 2017/1775³, which concerns restrictive measures in view of the situation in Mali and which transposed into Union law United Nations Security Council Resolution 2374 (2017).
- (3) On 13 December 2021, the Council adopted Regulation (EU) 2021/2201⁴ to give effect to Decision (CFSP) 2021/2208⁵, which amended Decision (CFSP) 2017/1775 and established a dedicated framework, allowing for Union autonomous restrictive measures against individuals and entities responsible for threatening the peace, security or stability of Mali, or for obstructing or undermining the successful completion of Mali's political transition.

² Council Regulation (EU) 2017/1770 of 28 September 2017 concerning restrictive measures in view of the situation in Mali (OJ L 251, 29.9.2017, p. 1).

³ Council Decision (CFSP) 2017/1775 of 28 September 2017 concerning restrictive measures in view of the situation in Mali (OJ L 251, 29.9.2017, p. 23).

⁴ Council Regulation (EU) 2021/2201 of 13 December 2021 amending Regulation (EU) 2017/1770 concerning restrictive measures in view of the situation in Mali (OJ L 446, 14.12.2021, p. 1).

⁵ Council Decision (CFSP) 2021/2208 of 13 December 2021 amending Decision (CFSP) 2017/1775 concerning restrictive measures in view of the situation in Mali (OJ L 446, 14.12.2021, p. 44).

- (4) On 31 August 2023, the United Nations (UN) sanctions regime expired when the Security Council failed to agree on its extension.
- (5) On 4 January 2024, the Council adopted Implementing Decision (CFSP) 2024/215⁶ and Implementing Regulation (EU) 2024/212⁷, which deleted all the entries in Annex I to Decision (CFSP) 2017/1775 and Regulation (EU) No 2017/1770 respectively, in view of the termination of the United Nations sanctions regime on Mali.
- (6) In this context, Decision (CFSP) 2024/...⁺ amends Decision (CFSP) 2017/1775 to remove certain provisions relating to UN measures.
- (7) Decision (CFSP) 2024/...⁺ also amends the existing exemption to asset freeze measures for certain humanitarian actors, expanding the scope of the exemption to cover additional actors and replacing the related derogation.
- (8) In order to update the contact details of Member States' competent authorities and the Commission, this Regulation replaces Annex II to Regulation (EU) 2017/1770, which includes the list of contact details of Member States' competent authorities and the address for notifications to the Commission.

⁶ Council Implementing Decision (CFSP) 2024/215 of 4 January 2024 implementing Decision (CFSP) 2017/1775 concerning restrictive measures in view of the situation in Mali (OJ L, 2024/215, 5.1.2024, ELI: <http://data.europa.eu/eli/dec/2024/215/oj>).

⁷ Council Implementing Regulation (EU) 2024/212 of 4 January 2024 implementing Regulation (EU) 2017/1770 concerning restrictive measures in view of the situation in Mali (OJ L, 2024/212, 5.1.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/212/oj).

⁺ OJ: Please insert in the text the number of the Decision set out in ST 7558/24.

- (9) Member States and the Commission should inform each other of the measures taken pursuant to this Regulation and of any other relevant information at their disposal in connection with this Regulation.
- (10) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.
- (11) Regulation (EU) 2017/1770 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 2017/1770 is amended as follows:

- (1) in Article 1, point (h) is deleted;
- (2) Article 2 is replaced by the following:

‘Article 2

- 1. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body listed in Annex Ia shall be frozen.
 - 2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex Ia.’;
- (3) Article 2a is deleted;

(4) Article 2b is replaced by the following:

Article 2b

1. Annex Ia shall include natural or legal persons, entities or bodies:
 - (a) responsible for or complicit in, or having engaged, directly or indirectly, in the actions or policies that threaten the peace, security, or stability of Mali, such as:
 - (i) involvement in planning, directing, sponsoring, or conducting attacks against:
 - UN and associated personnel in Mali;
 - international security presences in Mali;
 - (ii) obstructing the delivery of humanitarian assistance to Mali, or access to, or distribution of, humanitarian assistance in Mali;
 - (iii) planning, directing, or committing acts in Mali that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, including those involving the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge;

- (iv) the use or recruitment of children by armed groups or armed forces, which are a violation of applicable international law, in the context of the armed conflict in Mali;
 - (v) knowingly facilitating the travel of a listed person in violation of the travel restrictions;
 - (b) obstructing or undermining the successful completion of the political transition of Mali, including by obstructing or undermining the holding of elections or the handover of power to elected authorities; or
 - (c) associated with natural or legal persons, entities or bodies referred to in point (a) or (b).
2. Annex Ia shall include the grounds for the listing of natural or legal persons, entities or bodies concerned.
3. Annex Ia shall also include, where available, the information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include: names and aliases; date and place of birth; nationality; passport and identity card numbers; gender; address, if known; and function or profession. With regard to legal persons, entities or bodies, such information may include names, place and date of registration, registration number and place of business.’;

(5) Article 3 is replaced by the following:

Article 3

1. By way of derogation from Article 2(1) and (2), the competent authorities may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:
 - (a) necessary to satisfy the basic needs of natural or legal persons, entities or bodies listed in Annex Ia, and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (b) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services;
 - (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
 - (d) necessary for extraordinary expenses, provided that the Member State concerned has notified other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to granting the authorisation; or

- (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

- 2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within two weeks of the authorisation.’;

- (6) Article 3a is replaced by the following:

‘Article 3a

- 1. Article 2(1) and (2) shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:
 - (a) the United Nations (UN), including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
 - (b) international organisations;
 - (c) humanitarian organisations having observer status with the UN General Assembly and members of those humanitarian organisations;

- (d) bilaterally or multilaterally funded non-governmental organisations participating in the UN Humanitarian Response Plans, UN Refugee Response Plans, other UN appeals or humanitarian clusters coordinated by the UN Office for the Coordination of Humanitarian Affairs;
 - (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
 - (f) Member States' specialised agencies; or
 - (g) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (f) while and to the extent that they are acting in those capacities.
2. Without prejudice to paragraph 1, and by way of derogation from Article 2(1) and (2), the competent authorities may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

3. In the absence of a negative decision, a request for information or a notification for additional time from the relevant competent authority within five working days of the date of receipt of a request for authorisation under paragraph 2, that authorisation shall be considered granted.
4. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within four weeks of such authorisation.’;

(7) Article 3b is deleted;

(8) Article 4 is replaced by the following:

‘Article 4

1. By way of derogation from Article 2(1), the competent authorities may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:
 - (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 2b was listed in Annex Ia, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;

- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
 - (c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex Ia;
 - (d) recognising the decision is not contrary to public policy in the Member State concerned.
2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within two weeks of the authorisation.’;

(9) Article 5 is replaced by the following:

Article 5

1. By way of derogation from Article 2(1) and provided that a payment by a natural or legal person, entity or body listed in Annex Ia is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned, before the date on which that natural or legal person, entity or body was included in Annex Ia, the competent authorities may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:
 - (a) the funds or economic resources shall be used for a payment by a natural or legal person, entity or body listed in Annex Ia; and,
 - (b) the payment is not in breach of Article 2(2).
2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within two weeks of the authorisation.’;

(10) Article 6 is replaced by the following:

Article 6

1. Article 2(2) shall not prevent the crediting of frozen accounts by financial or credit institutions that receive funds transferred by third parties onto the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.
2. Article 2(2) shall not apply to the addition to frozen accounts of:
 - (a) interest or other earnings on those accounts;
 - (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 2 was included in Annex Ia; or
 - (c) payments due under judicial, administrative or arbitral decisions rendered in a Member State or enforceable in the Member State concerned,provided that any such interest, other earnings and payments are frozen in accordance with Article 2(1).’;

(11) Article 7 is replaced by the following:

‘Article 7

1. Natural or legal persons, entities and bodies shall:
 - (a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 2(1), to the competent authority of the Member State where they are resident or located, and transmit such information, directly or through the Member State, to the Commission; and
 - (b) cooperate with the competent authority in any verification of the information referred to in point (a).
2. The obligation in paragraph 1 shall apply subject to national or other applicable rules regarding the confidentiality of information held by judicial authorities, and consistent with respect for the confidentiality of communications between lawyers and their clients guaranteed by Article 7 of the Charter of the Fundamental Rights of the European Union. For this purpose, such communications include those relating to legal advice provided by other certified professionals who are authorised under national law to represent their clients in judicial proceedings, insofar as such legal advice is provided in connection with pending or prospective judicial proceedings.
3. Any additional information received directly by the Commission shall be made available to the Member States.

4. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.
5. The competent authorities of the Member States, including enforcement authorities, customs authorities within the meaning of Regulation (EU) No 952/2013 of the European Parliament and of the Council^{*}, competent authorities within the meaning of Regulation (EU) No 575/2013 of the European Parliament and of the Council^{**}, Directive (EU) 2015/849 of the European Parliament and of the Council^{***} and Directive 2014/65/EU of the European Parliament and of the Council^{****}, as well as administrators of official registers wherein natural persons, legal persons, entities and bodies as well as immovable or movable property are registered, shall process and exchange without delay information, including personal data and, if necessary, the information referred to in paragraph 1, with other competent authorities of their Member State, of other Member States and the Commission, if such processing and exchange is necessary to carry out the tasks of the processing authority or the receiving authority under this Regulation, in particular when they detect instances of a breach or circumvention, or attempts at a breach or circumvention, of the prohibitions set out in this Regulation.

^{*} Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

- ** Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).
- *** Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).
- **** Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).’;

(12) Article 10 is replaced by the following:

‘Article 10

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, notably a claim for extension or payment of a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:
 - (a) natural or legal persons, entities or bodies listed in Annex Ia;
 - (b) any natural or legal person, entity or body acting through or on behalf of one of the natural or legal persons, entities or bodies referred to in point (a).

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.
3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.’;

(13) Article 11 is replaced by the following:

‘Article 11

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information in respect of:
 - (a) funds frozen under Article 2 and authorisations granted under the derogations set out in this Regulation;
 - (b) violation and enforcement problems and judgments handed down by national courts.
2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.’;

(14) Article 12 is replaced by the following:

‘Article 12

1. Where the Council decides to subject a natural or legal person, group, entity or body to the measures referred to in Article 2, it shall amend Annex Ia accordingly.
2. The Council shall communicate a decision pursuant to paragraph 1, including the grounds for the listing, to the natural or legal person, group, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing that natural or legal person, group, entity or body with an opportunity to submit observations.
3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision concerned and inform the natural or legal person, group, entity or body concerned accordingly.
4. The list in Annex Ia shall be reviewed at regular intervals and at least every 12 months.
5. The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.’;

(15) Article 13 is replaced by the following:

‘Article 13

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall also provide for appropriate measures of confiscation of the proceeds of such infringements.
2. Member States shall notify the Commission of the rules referred to in paragraph 1 without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.’;

(16) Article 13a is replaced by the following:

‘Article 13a

1. The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the “High Representative”) may process personal data in order to carry out their tasks under this Regulation. These tasks include:
 - (a) as regards the Council, preparing and making amendments to Annex Ia;
 - (b) as regards the High Representative, preparing amendments to Annex Ia;

(c) as regards the Commission:

- (i) adding the contents of Annex Ia to the electronic, consolidated list of persons, groups and entities subject to Union financial sanctions and to the interactive sanctions map, both publicly available;
- (ii) processing information on the impact of the measures of this Regulation, such as the value of frozen funds and information on authorisations granted by the competent authorities.

- 2. The Council, the Commission and the High Representative shall process, where applicable, relevant data relating to criminal offences committed by listed natural persons, to criminal convictions of such persons or to security measures concerning such persons only to the extent that such processing is necessary for the preparation of Annex Ia.
- 3. For the purposes of this Regulation, the Council, the Commission and the High Representative are designated as “controller” within the meaning of Article 3, point 8, of Regulation (EU) 2018/1725 in order to ensure that the natural persons concerned can exercise their rights under that Regulation.’;

(17) The following Article is inserted:

‘Article 14a

Any information provided to or received in accordance with this Regulation shall be used only for the purposes for which it was provided or received.’;

(18) Article 15 is replaced by the following:

‘Article 15

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board any aircraft or vessel under the jurisdiction of a Member State;
- (c) to any natural person inside or outside the territory of the Union who is a national of a Member State;
- (d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.’;

(19) Annex I is deleted;

(20) Annex II is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the Council

The President

ANNEX

‘ANNEX II

Websites for information on the competent authorities
and address for notifications to the Commission

BELGIUM

https://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/sanctions

BULGARIA

<https://www.mfa.bg/en/EU-sanctions>

CZECHIA

<https://fau.gov.cz/en/international-sanctions>

DENMARK

<http://um.dk/da/Udenrigspolitik/folkeretten/sanktioner/>

GERMANY

<https://www.bmwi.de/Redaktion/DE/Artikel/Aussenwirtschaft/embargos-aussenwirtschaftsrecht.html>

ESTONIA

<https://vm.ee/sanktsioonid-ekspordi-ja-relvastuskontroll/rahvusvahelised-sanktsioonid>

IRELAND

<https://www.dfa.ie/our-role-policies/ireland-in-the-eu/eu-restrictive-measures/>

GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

<https://www.exteriores.gob.es/es/PoliticaExterior/Paginas/SancionesInternacionales.aspx>

FRANCE

<http://www.diplomatie.gouv.fr/fr/autorites-sanctions/>

CROATIA

<https://mvep.gov.hr/vanjska-politika/medjunarodne-mjere-ogranicavanja/22955>

ITALY

https://www.esteri.it/it/politica-estera-e-cooperazione-allo-sviluppo/politica_europea/misure_deroghe/

CYPRUS

<https://mfa.gov.cy/themes/>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<https://maee.gouvernement.lu/fr/directions-du-ministere/affaires-europeennes/organisations-economiques-int/mesures-restrictives.html>

HUNGARY

<https://kormany.hu/kulgaszdasagi-es-kulugyminiszterium/ensz-eu-szankcios-tajekoztato>

MALTA

<https://smb.gov.mt/>

NETHERLANDS

<https://www.rijksoverheid.nl/onderwerpen/internationale-sancties>

AUSTRIA

<https://www.bmeia.gv.at/themen/aussenpolitik/europa/eu-sanktionen-nationale-behoerden/>

POLAND

<https://www.gov.pl/web/dyplomacja/sankcje-miedzynarodowe>

<https://www.gov.pl/web/diplomacy/international-sanctions>

PORTUGAL

<https://portaldiplomatico.mne.gov.pt/politica-externa/medidas-restritivas>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/omejevalni_ukrepi

SLOVAKIA

https://www.mzv.sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

<https://um.fi/pakotteet>

SWEDEN

<https://www.regeringen.se/sanktioner>

Address for notifications to the European Commission:

European Commission

Directorate-General for Financial Stability, Financial Services
and Capital Markets Union (DG FISMA)

Rue Joseph II 54

B-1049 Brussels, Belgium

E-mail: relex-sanctions@ec.europa.eu.